CONTRACT #3 RFS # 325.05-004

Department of Agriculture

VENDOR:
Custom Data Processing



Tennessee Department of Agriculture

Ellington Agricultural Center, Box 40627, Nashville, Tennessee 37204 615-837-5100 / FAX: 615-837-5333

Ken Givens Commissioner Phil Bredesen Governor

MEMORANDUM

TO:

Commissioner Dave Goetz

Finance and Administration

FROM:

Ken Givens

DATE:

January 24, 2005

SUBJECT:

Request for non-competitive amendment to contract for services

This Department has contracted for an on-line computer service through a vendor since 1988. I am requesting a non-competitive amendment to the current contract, which expires on March 31, 2005 enabling an extension of the contract for a twelve-month period.

(G_Girms

The March 31 contract termination date resulted from a nine-month extension our Department received last year. During this period of time our information systems staff began converting the contracted on-line computer service to an in house Browser based system. While much of the conversion has occurred, the system is not ready for the production stage. Additional time is needed to complete system details, develop revenue and program area reports, and to adequately test the performance of the system prior to converting the system. It was felt that pursuing the conversion to an in house system would save time and money from developing an RFP for the same services. In order to have confidence that the transition will be smooth and impervious it is necessary to provide the additional time to complete the conversion.

The required information as outlined in the Non-Competitive Amendment request is attached referencing the item numbers specified.

Thank you for your consideration of this request.

KG:me

Attachment

REQUEST: NON-COMPETITIVE AMENDMENT

APPROVED	
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Commissioner of Finance	& Administration
Commissioner of Finance	& Administration

RFS#	323	325,05-004					
SERVICE:	application	n-line computer servi s and permits, accou grams of retail food s	ints receival	ble, invoice issuand	e and printing in:	spection forms	
CONTRACT#	FA-00-135	13-05		PROPOSED AME	NDMENT#	6	
CONTRACTOR:	Custom Da	ata Processing, Inc.	Processing, Inc.				
CURRENT MAXIMU	W LIABILITY :	LIABILITY: \$272,500					
START DATE:		07-01-99					
CURRENT END DAT	E (including all	options to extend):	03-31-05				
MAXIMUM COST WI	TH PROPOSED	AMENDMENT (incl	uding all op	tions to extend):	\$322,500		
END DATE WITH PR	OPOSED AME	NDMENT (including	all options t	o extend):	03-31-06		
APPROVAL CRITER	IA (select one)	:		- · · · · · · · · · · · · · · · · · · ·			
use of Non-C	ompetitive Neg	otiation is in the be	est interest	of the state			
only one unio	quely qualified	service provider ab	le to provid	de the service			

REQUEST: NON-COMPETITIVE AMENDMENT

1) description of the proposed additional service and amendment effects;

The amendment to the contract would provide continued services from the provider for on-line computer service including data maintenance, reporting, issuance of applications and permits, accounts receivable, invoice processing and printing of inspection forms for the programs of retail food stores, food manufacturing, weights and measures and petroleum quality.

2) explanation of need for the proposed amendment;

The department is developing an in house system to replace the system being provided by the outside vender. The system is not in the production stage of operation; therefore an extension of the current system is necessary. During the development process, the department found it necessary to divert resources dedicated to the system conversion to other areas in order to reconcile recent audit findings. This situation caused a delay in completion of the conversion. The extension would go through another renewal period where 11,000 establishments are issued renewal application and new permits are processed generating over \$2,000,000 in state revenue allowing a proven system to continue until adequate testing can be performed on the in house system.

3) name and address of contractor's principal owner(s);

The current contractor is Custom Data Processing, Inc. One West Harris Ave, P.O. Box 2235, La Grange, Il 60525. Principal owner: Jack Marsden, Sr., President.

4) documentation of OIR endorsement of the subject procurement request;

See attached

5) documentation of Department of Personnel endorsement of the subject procurement request (required only if the service involves training for state employees)

N/A

 description of procuring agency efforts to identify reasonable, competitive, procurement alternatives (rather than to use non-competitive negotiation);

The department has determined that the best alternative alleviate the use of a non-competitive arrangement with the contractor who is currently providing the service is to bring the system in house in order to ensure that the final product would be compatible with the Internet based computer application now used in the Department of Agriculture for several other regulatory programs. The intent is to utilize only one

Internet based computer application, capable of handling revenue collection, applications, inspections and permit issuance, in the same manner, for all of the Department's regulatory program areas. This will allow Agriculture to save employee labor and training time as well as simplifying system maintenance requirements and computer support costs, due to the fact all program areas will utilize the same basic computer application, menu screens and collect funds using the same revenue and accounts receivable system.

7) justification of why the state should approve a Non-Competitive amendment.

The department feels that the cost of services would increase if they were bid competitively and not allow the extension. The charge of the service from the current contract has not increased in many, many years. Placing the contact out for bid for the short period of time expected would be inefficient and would cost the state more expenses.



FAX TRANSMITTAL

	Bill Exell, Chief Executive Officer Office for Information Resources	FAX # 741-4589
FROM:	Jimmy Hopper, Director, Regulatory Services	FAX 837-5335
DATE:	1/21/05	1
RF8#	325.05.	/
RE:	OIR Procurement Endorsement Documentation for — FA-00-13513-05	AX TO
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lf you ha Knox at	ve any questions or concerns about this matter, please call Jimr 837-5152 or 837-5500.	ny Hopper or Vincent
Thank yo	ou for your help.	
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AMENDMENT Six TO CONTRACT FA-00-13513-00

This Contract, by and between the State of Tennessee, Department of Agriculture, hereinafter referred to as the State, and Custom Data Processing, Inc., hereinafter referred to as the Contractor, is hereby amended as follows:

- 1. Delete Section B.1 in its entirety and insert the following in its place:
 - B.1 Contract Term. This Contract shall be effective for the period commencing on July 1, 1999 and ending on March 31, 2006. The State shall have no obligation for services rendered by the Contractor which are not performed within the specified period.
- 2. Delete Section C.1 in its entirety and insert the following in its place.
 - C.1 Maximum Liability. In no event shall the maximum liability of the State under this Contract exceed three hundred twenty-two thousand, five hundred dollars (\$322,500.00). The Unit Rates in Section C.3 shall constitute the entire compensation due the Contractor for the Service and all of the Contractor's obligations hereunder regardless of the difficulty, materials, or equipment required. The Unit Rate included, but are not limited to, all applicable taxes, fees, overhead, profit, and all other direct and indirect costs incurred or to be incurred by the Contractor.

The other terms and conditions of this Contract not amended hereby shall remain in full force and effect.

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IN WITNESS WHEREOF:	
CUSTOM DATA PROCESSING, INC.:	
Jack Marston, Sr., President	Date
DEPARTMENT OF AGRICULTURE:	
Ken Givens, Commissioner	Date
Kell Giveris, Commissioner	
APPROVED:	
DEPARTMENT OF FINANCE AND ADMINISTRATION:	
M. D. Goetz, Jr., Commissioner	Date
COMPTROLLER OF THE TREASURY:	
John G. Morgan, Comptroller of the Treasury	Date

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TELEPHONE: 837-5191	TELEPHONE: 837-5106							
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